



## **CITY OF SUNNYVALE ADMINISTRATIVE HEARING**

**MINUTES**  
**Wednesday, April 12, 2006**

**2006-0269** – Application for a Variance from Sunnyvale Municipal section 19.48.020 on a 5,775 square-foot site to allow a five foot and five inch front yard fence within the front yard and in the vision triangle. The property is located at **1386 Torrance Avenue** in an R-0 (Low-Density Residential) Zoning District. (APN: 104-22-041)

In attendance: Jaswant and Sharon Nahal, Applicant; Andrew Miner, Administrative Hearing Officer; Jamie McLeod, Project Planner; Luis Uribe, Staff Office Assistant.

**Mr. Andrew Miner**, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Mr. Miner announced the subject application.

**Jamie McLeod**, Project Planner, stated that the applicant has an existing, unpermitted 5-foot 6-inch fence in the required front yard, located along the front property line. The first 3-feet of the split-level fence are stone, and the remaining 2-feet 6-inches is wrought iron.

The applicant has applied for a Variance to allow the existing fence to be located in the Driveway Vision Triangle (SMC 19.12.050.D).

The application also requires a Miscellaneous Plan Permit (MPP), which is a discretionary review, to meet Sunnyvale Municipal Code (SMC) requirement 19.48.020(b)(2) which states "Except as permitted by use permit or miscellaneous plan permit, it is unlawful for fences, hedges, or other natural or structural objects, except trees, to exceed three feet in height within the required front yard." While an MPP does not require a public hearing, both applications shall be addressed through this review process. Staff does not recommend approval.

Ms. McLeod stated that staff received an e-mail on the topic of vision triangles city-wide that was triggered by this application. The e-mail will be on file for viewing at City Hall.

Mr. Miner verified that if the variance is denied and the applicant removed the wrought iron, the remaining stone wall would meet all requirements.

**Mr. Miner opened the public hearing.**

**Sharon Nahal**, Applicant, received and reviewed a copy of the staff report. The applicant stated that she can try to lower the fence and mentioned that other neighbors have similar fences. Ms. Nahal also stated that she has a letter from her neighbor stating that the fence has been there prior to their move in year of 1979 and they have no issues with the fence.

Ms. McLeod mentioned that the fence has been on site for at least thirty years.

**Jaswant Nahal**, Applicant, stated that lowering the fence would be an available option.

**Mr. Miner closed the public hearing.**

**Mr. Miner took the project under advisement until April 14, 2006, on that day the variance was denied because the Findings could not be made and the Miscellaneous Plan Permit was approved with conditions.**

**Mr. Miner stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.**

The meeting was adjourned at 2:15 p.m.

Minutes approved by:

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Andrew Miner, Principal Planner